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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,526	12/27/2001	Andreas Magnussen	10559-634001	1660
20985	7590	04/21/2005	EXAMINER	
FISH & RICHARDSON, PC			CHUNG, JI YONG DAVID	
12390 EL CAMINO REAL			ART UNIT	
SAN DIEGO, CA 92130-2081			PAPER NUMBER	
			2143	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/034,526	MAGNUSSEN, ANDREAS	
	Examiner	Art Unit	
	Ji-Yong D. Chung	2143	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/1/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

[Handwritten signature]

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-4, 8-15, 19-23, and 27-29** are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al (Brown hereinafter).

With reference to **claim 1**, Brown shows an apparatus for creating a system comprising:

a first agent [See protocol processing module (PPM) 266, Fig. 8];

a second agent connected to the first agent to receive and transmit events and data [See PPM 258, Fig. 8. See also the definition of “Wire Connection”, lines 23-26, column 4];

a processing agent to process a protocol, the processing agent being connected to the first agent [See PPM 250, Fig. 8. PPM 250 processes TELNET protocol];

the processing agent being configured to send events to the first agent upon a change in the data being transmitted [See lines 52-64, column 4. “Messages” in Brown correspond to “events” in the instant application. Changes in data (the output) at the telnet PPM causes events (messages) to be sent to X.25 PPM].

With reference to **claim 2**, Brown shows *the first agent is configured to monitor the data being transmitted to and received from the processing agent* [See PPM X.25 in Fig. 8. Note that X.25 protocol deals with packet flow and monitoring it.].

With reference to **claim 3**, Brown shows *an event system coupled to the processing agent to store the events in the event system*. Again, see lines 52-64, column 4. Messages are “events” and they are stored in a queue.

With reference to **claim 4**, Brown shows *that the first agent includes an algorithm for flow control for the connections*. See X.25 PPM in Fig. 8 and see Fig. 3. All connections and sockets in Brown have built in flow control.

With reference to **claim 8**, Brown does not directly show that *the events include at least one of an event type identification, a Transmission Control protocol (TCP) pointer, a controller handle, a controller length, and a controller prefetch*. However, Brown shows X.25 PPM that feeds inputs into Telnet PPM in Fig. 8. Each X.25 packet contains a packet header, which in turns contains a packet type identifier (“event type identification”).

With reference to **claim 9**, Brown does not directly *show that the data stored in the first agent includes a header and a data portion*. However, the feature is inherent in X.25 PPM in Brown. X.25 is a communication protocol, which transmits/receives packets. X.25 data packets contain a header and data portion.

With reference to **claim 10**, Brown does not show that *the event system includes an event queue writer and event queue reader for the processing agent*. However, means for reading (fetching) and writing (inserting/deleting) events from queue are inherent in any complete event driven software system. For example, consider CORBA Event Service.

Claims 11-15, 19-23, and 27-29 substantively incorporate all the limitations of claims 1-4 and 8-10, but in method form and in computer-product form, rather than in apparatus form. The reasons for the rejections of claims 1-4 and 8-10 apply to claims 11-15, 19-23, and 27-29. Therefore, claims 11-15, 19-23 and 27-29 are rejected for substantially the same reasons.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 5-7, 16-18, and 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Generous et al (Generous hereinafter).

Art Unit: 2143

With reference to **claim 5**, Brown does not show *that the processing agent comprises a Secure Sockets Layer (SSL) system*. Generous discusses SSL protocol in paragraph 0844.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement SSL protocol.

The motivation for the combination is to increase security.

With reference to **claim 6**, Brown does not show *that the processing agent comprises a Server Load Balancing (SLB) system*. Generous discusses load balancing in paragraph 0994.

It would have been obvious to one of ordinary skill in the art at the time of the invention to replace Brown's telnet PPM with a load balancing PPM module (along with other appreciate changes).

The motivation for the combination is to decrease average client wait time, by distributing load over several processors.

With reference to **claim 7**, Brown does not show *that the processing agent comprises an Extended Markup Language (XML) system*. Generous discusses XML parser in paragraph 0086.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement XML parser as a PPM module by providing a wrapper code for DOM or SAX parsers.

The motivation for the combination is to provide XML document processing capability using Brown's programming system. Such implementation is desirable because XML is slowly

Art Unit: 2143

becoming Internet document exchange standard and Brown's invention provides the flexibility in implementation of server modules (including XML).

Claims 16-18 and 24-26 substantively incorporate all the limitations of claims 5-7, but in method form and in computer-product form, rather than in apparatus form. The reasons for the rejections of claims 5-7 apply to claims 16-18 and 24-26. Therefore, claims 16-18 and 24-26 are rejected for substantially the same reasons.

With regard to **claims 30**, Brown does not show the specific configuration defined by the claims. However, in view of Generous, it would have been obvious to one of ordinary skill in the art at the time of the invention to assemble a system that meet the limitations of the system described by claim 30, for the reasons set forth below.

Generous describes SSL, XML, and load balancing. Brown's invention is for implementing protocol processing module; each of the SSL, XML and load balancing are standard features in an intranet. Because Brown's system allows one to implement PPM in software, one could easily cascade a data source PPM, SSL PPM, XML PPM, and data sink PPM to meet rudimentary system for processing XML documents.

Such a basic system meets the following portions of the claim 30-31's limitations:

a buffer to store data [a buffer associated with message queue on the data source PPM];

a first agent coupled to the buffer to receive and transmit events [the data source, comprising sockets (they contain buffers)];

an event system coupled to the first agent to store the events in at least two event queues [the sockets attached to the first agent and the first processor (the sockets being connected by an XML event wire) are “coupled” to the first agent directly and indirectly.];

a first processing agent to process a protocol, the first processing agent having a first and a second connection with the first agent, wherein the first connection transports the data between the first agent and the first processing agent and the second connection transports the events between the first processing agent and the first agent; [a DOM XML parser PPM (first processing agent) would require two connection lines between itself and the data source (the first agent). One connection would be required to transmit data and the second line would be required to transmit DOM interface requests (“events”)] and

wherein the first agent is configured to monitor the data being transmitted to and received from the processing agent via the first and second connections. The sockets that are attached to the data source meet the limitations.

The motivation for implementing such system is that building blocks in Brown allow one to construct an XML processing system in software. Such system provides the flexibility in implementation. For example, should one wish to exchange the XML parser (using SAX) in the system, one could easily swap in a new SAX XML PPM in place of DOM XML Parser.

With regard to **claim 31**, Brown does not shows *a second processing agent*, in the context of claim 30. However, George shows a load balancer or SSL (as discussed in George) would meet the limitation.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add SSL to the hypothetical XML processing system implemented using Brown's system, in order to increase the security of the system.

With respect to **claims 32-35**, their limitations have been covered in the discussion of claims 1-29.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji-Yong D. Chung whose telephone number is (571) 272-7988. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ji-Yong D. Chung
Patent Examiner
Art Unit: 2143


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